

EXHIBIT 1



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1525 LOCUST STREET 9TH FLOOR PHILADELPHIA, PA 19102 215.545.7676 WWW.CONSOLELAW.COM
110 MARTER AVENUE SUITE 502 MOORESTOWN, NJ 08057 856.854.4000

EMILY R. DERSTINE FRIESEN
derstinefriesen@consolelaw.com
215.754.4372 Fax

October 23, 2019

via facsimile (215.965.2489)

Latia D. Moore, Intake Clerk Typist 2
Intake Department
Pennsylvania Human Relations Commission
110 North 8th Street, Suite 501
Philadelphia, PA 19107

**Re: Jennifer Iannaco v. Heller's Gas, Inc., et al.
Our File No. 4523**

Dear Ms. Moore:

Please be advised that this firm represents Jennifer Iannaco in connection with the above-referenced matter. Enclosed please find an executed Pennsylvania Human Relations Commission Complaint on behalf of Ms. Iannaco.

Please note that Ms. Iannaco requests that her Complaint be referred to the Equal Employment Opportunity Commission for dual-filing.

I look forward to receiving notification and confirmation that Respondent has been properly served and advised to file an Answer.

Thank you very much for your assistance and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emily R. Friesen'.

EMILY R. DERSTINE FRIESEN

ERDF:nrg
Enc.

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

COMPLAINT

COMPLAINANT:	:	
	:	
JENNIFER IANNACO	:	Docket No.
	:	
v.	:	
	:	
RESPONDENTS:	:	
	:	
HELLER'S GAS, INC.	:	
	:	
and	:	
	:	
JOSHUA GARCIA, aider and abettor	:	
	:	
and	:	
	:	
TRISH ZACHARIAS, aider and abettor	:	
	:	

1. The Complainant herein is:

Name: Jennifer Iannaco

Address: **REDACTED**

2. The Respondents herein are:

Names: Heller's Gas, Inc. ("Respondent Company"); Joshua Garcia, aider and abettor ("Respondent Garcia"); Trish Zacharias, aider and abettor ("Respondent Zacharias")

Address: 500 North Poplar Street
Berwick, PA 18603

3. I, Jennifer Iannaco, the Complainant herein, allege that I was subjected to unlawful discrimination because of my sex (female) and unlawful retaliation because of my complaints of sex discrimination, as set forth below.

Discrimination and Retaliation

A. I specifically allege:

- [1] I was hired by Respondent Company on or about January 9, 2010.
- [2] I consistently performed my job duties in a highly competent manner.
- [3] I last held the position of Customer Service Representative Manager.
- [4] I last reported to Respondent Joshua Garcia (male), Assistant to Brent Harman, and to Respondent Trish Zacharias (female), Vice President, Head of Call Center. Respondent Garcia and Respondent Zacharias reported to Brent Harmon (male), Vice President, Operations. Paul Gardner, Jr. (male), President.
- [5] I was the only female employee holding the position of Customer Service Representative Manager.
- [6] In addition to me, the following employees held the position of Customer Service Representative Manager: Christopher Banyas (male); and Jeffrey Cashner (male). I was more qualified and experienced than these employees to perform the Customer Service Representative Manager position.
- [7] In or about March 2019, Respondent Zacharias asked me to work at the Call Center that Respondent Company planned to open on July 1, 2019. Respondent Zacharias stated that they needed me there because I was a top Customer Service Representative Manager and that this would be a great career advancement opportunity for me.
- [8] In or about March 2019, I received a bonus.

[9] In or about June 2019, I received a positive performance review and a salary increase.

[10] On or about July 1, 2019, I began reporting to Respondent Garcia, in addition to reporting to Respondent Zacharias, in connection with working at Respondent Company's Call Center.

[11] After I began reporting to Respondent Garcia, Respondent Garcia routinely engaged in comments and conduct of a sexual nature toward me.

[12] I found Respondent Garcia's comments and conduct to be offensive, based on my sex, and contributing to the hostile work environment to which I was subjected.

[13] Respondent Garcia stated that he loved working for Respondent Company because he could choose who he wanted "to fuck because all the girls [he is] over are interested in [him]."

[14] Respondent Garcia approached me and wrapped his arms around my body as I was sitting in my desk chair. He stated that I was being quiet and that he "missed" me. I pushed his hands off my body. Respondent Garcia responded that he "forgot" that I "have an attitude."

[15] Respondent Garcia stated that his cousin, Marcus Puppo (male), was going to be starting as an employee in the Call Center, and that he and I should "hook up."

[16] Respondent Garcia commented that "no white boy can handle [me] because [I am] probably too wild in bed and would hurt them."

[17] Respondent Garcia came up behind me as I was working, placed one hand on my shoulder and, with his other hand, grabbed my hair and pulled my head back. I told him not to touch me. Respondent Garcia stated: "come on, Jenny, I love you."

[18] Respondent Garcia commented that Sabrina Campbell (female), Human Resources Representative, had “titties” that were “hanging out,” and that she and Harmon were “playing around.”

[19] Respondent Garcia commented that Gardner hosted a party at his house and there were a lot of new female Customer Service Representative employees who were drunk and jumping in his pool in their underwear.

[20] Respondent Garcia made sexual advances toward me, and I understood that he wanted to have sex with me.

[21] Respondent Garcia repeatedly commented on my physical appearance and the physical appearance of other female employees. I never heard Respondent Garcia commenting on male employees’ physical appearance.

[22] When Respondent Garcia engaged in comments and conduct of a sexual nature, I objected; I rejected his advances.

[23] Respondent Garcia did not stop his comments and conduct of a sexual nature, despite my objections and rejections.

[24] On or about July 22, 2019, in a meeting with Respondent Zacharias, I complained of sex discrimination. I complained of Respondent Garcia’s sex-based comments and conduct toward me, and that he was making me feel uncomfortable. I complained that his behavior was causing me stress, and that I was scared to keep working with him. Respondent Zacharias stated that Respondent Garcia would only be at the Call Center until the spring of 2020, and that she would talk to Respondent Garcia. Respondent Zacharias instructed me to start training Charisma Kremer (female), Customer Service Representative, and Kathie Wark (female), Customer Service Representative.

[25] Respondent Company failed to remedy or prevent the sex discrimination to which I was subjected.

[26] Respondent Company failed to conduct an investigation into my sex discrimination complaints.

[27] After I complained of sex discrimination, and rejected Respondent Garcia's advances, Respondents were hostile and dismissive toward me, and treated me differently and worse than before I had complained of sex discrimination and rejected Respondent Garcia's advances.

[28] Respondent Garcia commented that I was skinny, and that I needed to eat more protein and he could help me with that. When I started walking away from him, he grabbed my hair, pulled it, and said that he could help me get rid of my stress.

[29] While I was training Kremer and Wark, they told me that they felt uncomfortable around Respondent Garcia, and that he was "touchy-feely." They said that they did not want to complain because they were afraid of losing their jobs.

[30] While I was training Kremer and Wark, Respondent Garcia approached us and asked me why Respondent Zacharias wore "the same yeast infection pants every day," and why "her thighs [were] so big." Respondent Garcia stated that Respondent Zacharias needed "to become a vegan so her legs wouldn't be so fat." Respondent Garcia commented that Respondent Zacharias was "acting like a cunt today."

[31] Jennifer Stahley (female), Customer Service Representative, approached me and told me that Respondent Garcia did not like her and she was afraid that she would be terminated because he "runs the show," and that he "only trains girls he feels are attractive," and that he ignored her.

[32] On or about August 5, 2019, in a meeting with Respondent Zacharias, I complained of sex discrimination. I complained of Respondent Garcia's sex-based comments and conduct toward me and other female employees, and that he was making female employees, including me, uncomfortable. Respondent Zacharias responded that Respondent Garcia "tries to do that too touchy-feely stuff with [her], too, but he doesn't do anything for her." Respondent Zacharias stated that Jordan Haas (male), Driver, was "more her type" and Haas is who she would choose.

[33] Respondent Company failed to remedy or prevent the sex discrimination to which I was subjected.

[34] Respondent Company failed to conduct an investigation into my sex discrimination complaints.

[35] Respondent Zacharias, in front of Respondent Garcia, commented that she was going to go "into the bathroom with [me]," that she wanted to watch a television show "under blankets with [me]," and that she "would give anything to have [my] hips and be as skinny as [me]."

[36] Wark told me that Joseph Kankowski (male), Information Technology, was sending Facebook messages to her, telling her that he could not satisfy Emily Whitmire (female), Accounts Receivable Clerk, sexually and that he went into detail regarding their sexual relationship. Wark told me that Kankowski stated that I was stupid and that he holds back on what he really wants to tell me. Wark told me that she felt uncomfortable, and that Kankowski was being aggressive toward her.

[37] On or about August 9, 2019, in a meeting with Respondent Zacharias and Respondent Garcia, I complained of sex discrimination. I complained of male employees'

treatment toward female employees, and that I was concerned about Kankowski's comments to Wark. Respondent Zacharias and Respondent Garcia laughed, and told me to talk with Campbell, and then stated: "Oh, wait, people get fired for that." Respondent Zacharias then stated that she would "take care of it."

[38] Respondent Company failed to remedy or prevent the sex discrimination at Respondent Company.

[39] Respondent Company failed to conduct an investigation into my sex discrimination complaints.

[40] Wark told me that she was called into a meeting with Respondent Zacharias and Respondent Garcia, and instructed to "keep [her] mouth shut." Wark told me that she tried to show them the Facebook messages to her from Kankowski, but they refused to look at the messages. Wark stated that Respondent Zacharias and Respondent Garcia told her that, if she valued her job, she should keep her mouth shut.

[41] Wark told me that, the next day, Kankowski told her that she "better watch [her] back."

[42] On August 26, 2019, in a meeting with Respondent Zacharias and Respondent Garcia, Respondent Garcia sat next to me, and told me that he liked the color of my dress and that it brought out my "ethnicity." Respondent Garcia told me he loved me, placed his hand on my knee, and rubbed his hand up my thigh. I then stood up, and walked away from him. Respondent Zacharias, while laughing, asked why Respondent Garcia had "to touch people." Respondent Garcia stated that he was "friendly." After Respondent Garcia left the meeting, I complained to Respondent Zacharias of sex discrimination in connection with Respondent Garcia. I told her that this interaction with Respondent Garcia was an example what I had been

complaining of to her, and that female employees, including me, are uncomfortable around him. She said she did not know why Respondent Garcia “had to do that.” She said he thinks everyone “wants” him. I complained that, if this behavior did not stop, Respondent Company could be facing a sexual harassment complaint, filed with the EEOC, with multiple participants. Respondent Zacharias stood up and left the meeting.

[43] On August 26, 2019, following the above meeting, I approached Respondent Zacharias and asked if we could finish our conversation from earlier. Respondent Zacharias treated me in a hostile, dismissive, and condescending manner. She stated that she ran the Call Center and she was the boss. I responded that I did not know why she was acting this way toward me. I complained that there were many new female employees at the Call Center, and the comments and conduct of a sexual nature by male employees were serious. Respondent Zacharias told me that if I did not like, I could leave. I complained that I did not want to be subjected to sex discrimination, and that I wanted to help other female employees. Respondent Zacharias told me that I could find another job. I complained that I was upset that she was ignoring the sex-based comments and conduct, and my complaints of the same. Respondent Zacharias told me to either “deal with it” or leave.

[44] Respondent Company failed to remedy or prevent the sex discrimination at Respondent Company.

[45] Respondent Company failed to conduct an investigation into my sex discrimination complaints.

[46] On August 26, 2019, in an email to Respondent Zacharias, I stated that our above conversation “did not go well,” that “I have never had [Respondent Zacharias] be so nasty and condescending to me,” and that “it was very disheartening” for her to treat me like this after

working with her “for almost 10 years and always doing my job and then some,” and referenced the “serious” complaints I made to her since the Call Center opened on July 1, 2019, which she has “dismissed.”

[47] I received no response to my email.

[48] On August 28, 2019, in a meeting with Respondent Zacharias and Respondent Garcia, Respondent Company terminated my employment, effective immediately. Before I had complained of sex discrimination, I had no indication my job was in jeopardy.

[49] Respondents failed to offer any explanation as to why my employment was terminated.

[50] Respondent Company terminated my employment because of my sex and/or my complaints of sex discrimination.

[51] I was the only employee at Respondent Company who was terminated on August 28, 2019.

[52] I had no performance or disciplinary issues throughout my employment.

[53] Respondents subjected me to a hostile work environment because of my sex and/or my complaints of sex discrimination and/or rejection of Respondent Garcia’s sexual advances.

[54] Respondent Company failed to remedy or prevent the sex discrimination and retaliation at Respondent Company.

[55] I had no opportunity to remain employed with Respondent Company.

[56] Respondent Company assigned my job duties to male and/or noncomplaining employees. I was more qualified to perform my job duties than the noncomplaining and/or male employees to whom Respondent Company assigned my job duties.

[57] Respondents' sex discriminatory and retaliatory conduct and comments have caused me emotional distress.

[58] Respondent Garcia aided and abetted Respondent Company in subjecting me to sex discrimination and retaliation.

[59] Respondent Zacharias aided and abetted Respondent Company in subjecting me to sex discrimination and retaliation.

[60] Respondent Company has an underrepresentation of female employees, particularly in high-level positions.

[61] **I bring this Complaint as a class and pattern and practice Complaint on behalf of myself and any and all current or former employees of Respondent Company who are female, and have been discriminated against based on sex, in connection with the terms and conditions of their employment, including being subjected to a hostile work environment, failure to promote, compensation, and/or termination.**

B. Based on the aforementioned, I allege that Respondents have discriminated against me because of my sex (female) and retaliated against me because of my complaints of sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"), and the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, *et seq.* ("PHRA").

4. The allegations in Paragraph 3 hereof constitute unlawful discriminatory practices in violation of:

X **Pennsylvania Human Relations Act (Act of October 27, 1955, P.L.**

744, as amended) Section 5 Subsection(s): (a); (d); (e)

Section 5.1 Subsection(s) _____

____ Section 5.2 Subsection(s) _____
____ Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961,
P.L. 766, as amended) Section 4 Subsection(s) _____

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:

X **This charge will be referred to the EEOC for the purpose of dual filing.**

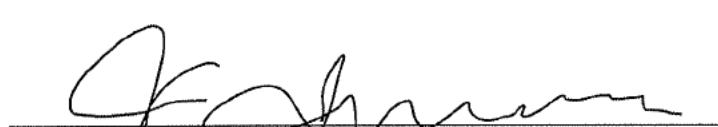
6. The Complainant seeks that Respondent be required to:

- (a) Make the Complainant whole.
- (b) Eliminate all unlawful discriminatory practice(s) and procedure(s).
- (c) Remedy the discriminatory effect of past practice(s) and procedure(s).
- (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
- (e) Provide such further relief as the Commission deems necessary and appropriate.

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

10/21/19
(Date Signed)


(Signature)

Jennifer Lannaco
REDACTED